

AMENDED IN ASSEMBLY MARCH 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 343

Introduced by Assembly Member Patterson
(Coauthors: Assembly Members Achadjian, Bigelow, Dahle, and
Maienschein)
(Coauthor: Senator Nielsen)

February 13, 2013

An act to ~~amend Section 16441~~ *add Chapter 9 (commencing with Section 17200) to Part 1 of Division 9 of the Food and Agricultural Code, relating to animals.*

LEGISLATIVE COUNSEL'S DIGEST

AB 343, as amended, Patterson. ~~Animals: at large: civil penalties.~~
Animal cruelty: duty to report.

Existing law establishes a variety of offenses relating to cruelty to animals.

Existing law generally provides that a person that violates certain animal at-large provisions is guilty of a misdemeanor and upon conviction is required to be punished by a fine of not less than \$100 nor more than \$1,000, by imprisonment of not less than 10 days nor more than 1 year, or by both the fine and imprisonment, as prescribed.

This bill would require any person who willfully or knowingly photographs, records, or videotapes animal cruelty to provide a copy of the photograph, recording, or videotape to local law enforcement within 48 hours of taking the photograph, recording, or videotape, and would encourage the person to provide a copy of the photograph, recording, or videotape to the owner of the animal or poultry, or a representative of the owner. This bill would define animal cruelty for

its purposes as any act involving an animal, as defined, or poultry, as defined, described in prescribed criminal offenses.

Because a violation of the requirement to provide a copy of the photograph, recording, or videotape to local law enforcement, as prescribed, would be a misdemeanor, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law prescribes the actions to be taken by a person who finds a stray domestic animal, as defined, upon his or her premises, or upon premises to which he or she has the right of possession, or upon any highway which is adjacent to such premises. Any person who violates these and related provisions is civilly liable for a penalty not to exceed a sum of \$500 for each violation.~~

~~This bill would make nonsubstantive changes to that penalty provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9 (commencing with Section 17200) is
2 added to Part 1 of Division 9 of the Food and Agricultural Code,
3 to read:

4
5 CHAPTER 9. DUTY TO REPORT ANIMAL CRUELTY

6
7 17200. (a) Any person who willfully or knowingly photographs,
8 records, or videotapes animal cruelty shall provide a copy of the
9 photograph, recording, or videotape to local law enforcement
10 within 48 hours of taking the photograph, recording, or videotape.

11 (b) Any person who willfully or knowingly photographs, records,
12 or videotapes animal cruelty is encouraged to provide a copy of
13 the photograph, recording, or videotape to the owner of the animal
14 or poultry, or a representative of the owner.

15 (c) For purposes of this section, the following terms are defined
16 as follows:

1 (1) “Animal” has the meaning set forth in Section 16302.

2 (2) “Animal cruelty” means any act involving an animal or
3 poultry described in one or more of the following provisions:

4 (A) Subdivision (a), (b), or (c) of Section 597 of the Penal Code.

5 (B) Section 597a of the Penal Code.

6 (C) Section 597b of the Penal Code.

7 (D) Section 597c of the Penal Code.

8 (E) Section 597g of the Penal Code.

9 (F) Section 597h of the Penal Code.

10 (G) Section 597k of the Penal Code.

11 (H) Section 597n of the Penal Code.

12 (I) Section 597.1 of the Penal Code.

13 (3) “Poultry” has the meaning set forth in Section 18675.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

23 SECTION 1. ~~Section 16441 of the Food and Agricultural Code~~
24 ~~is amended to read:~~

25 ~~16441. Any person that violates any provision of this part or~~
26 ~~any regulations issued pursuant to it is liable civilly for a penalty~~
27 ~~in an amount not to exceed a sum of five hundred dollars (\$500)~~
28 ~~for each violation. Any moneys recovered pursuant to this section~~
29 ~~shall be paid into the Department of Food and Agriculture Fund.~~